IN THE HIGH COURT OF JUDICATURE OF ANDHRA PRADESH AT HYDERABAD

THE HON'BLE SRI JUSTICE GOPALAKRISHNA TAMADA

Writ Petition No.18320 of 1997

Dated: 19-01-2007

Between:

1. K. Ramana, s/o K. Pothuraju,
   r/o Vugganapalem village,
   Kasimkota Mandal,
   Visakhapatnam District and 3 others.

... Petitioners

and

1. The Mandal Revenue Officer,
   Kasimkota Mandal,
   Visakhapatnam District and 2 others.

... Respondents

ORDER:

This petition is filed seeking *mandamus* directing the first respondent to consider the representation of petitioners in respect of the patta land in an extent of Ac.5-50 cents in S.No.264 situated at Vugganipalem village, Kasimkota Mandal, Visakhapatnam District and to permit the petitioners to harvest the casurina trees as per the lease

agreement, dated 03-03-1995.

2. In the affidavit filed in support of the writ petition, it is stated that the father of third respondent was given patta for the land in an extent of
Ac.5-50 cents in S.No.264 under Section 11 of the Madras Estate Abolition Act, 1948 (for short, 'the Act') vide proceedings No.SR ii(a)42/74/VSP, dated 31-05-1974. The father of the third respondent was in possession and enjoyment of the said land and after his death, the third respondent has been in possession and enjoyment of the said land by paying land revenue to the Government. According to petitioners, the father of the third respondent, during his lifetime, entered into an agreement dated 10-07-1985, whereunder the land in question was given to the petitioners under lease and according to which, petitioners were given right to collect 40% usufruct of casurina trees and the remaining 60% by the father of the third respondent. It is stated that the lease has been contracted on the same terms even after the death of the father of the third respondent and the petitioners have been in possession of the said land. It is also stated that when second respondent claimed that provisional patta was granted to him in respect of the said land, the village karnam of Vuggaripalem village had given a statement before the Revenue Inspector, Kasimkota that the second respondent was not given possession of any land.

3. The grievance of the petitioners is that even though the petitioners presented a representation to the first respondent requesting him to protect their possession, the first respondent, without taking any steps in the matter, is trying to interfere with the possession of the land of the petitioners at the instigation of the second respondent.

4. Heard learned counsel for the parties.

5. The only relief sought in this petition is for consideration of the representation of the petitioners in respect of the land in an extent of
Ac.5-50 cents in S.No.264 situated at Vugganipalem village, Kasimkota Mandal, Visakhapatnam District. Hence, this Court is of the view that the writ petition can be disposed of by directing the second respondent to consider the representation and pass appropriate orders, if not already passed. Further, as this Court, while admitting the writ petition, granted interim stay of dispossession of the petitioners on 06-08-1997, this Court also feels it just to direct the respondents not to dispossess the petitioners from the land in question, pending consideration of the representation made by the petitioners.

6. Subject to the above directions, the writ petition is disposed of.
No costs.

_____

JUSTICE GOPALAKRISHNA TAMADA

Dt.19-01-2007
GLV